



# House of Representatives

General Assembly

**File No. 553**

February Session, 2008

Substitute House Bill No. 5730

*House of Representatives, April 9, 2008*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING ENVIRONMENTAL HEALTH.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 25-33 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2008*):

4 (b) No system of water supply owned or used by a water company  
5 shall be constructed or expanded or a new additional source of water  
6 supply utilized until the plans therefor have been submitted to and  
7 reviewed and approved by [said] the department, except that no such  
8 prior review or approval is required for distribution water main  
9 installations that are constructed in accordance with sound  
10 engineering standards and all applicable laws and regulations. [In  
11 reviewing any proposed new source of water supply, the department  
12 shall consider the] A plan for any proposed new source of water  
13 supply submitted pursuant to this subsection shall address: (1) The  
14 proposed water supply's anticipated effect on nearby water supply  
15 systems including public and private wells, and (2) the proposed

16 controls and land use measures that assure purity and adequacy of the  
17 new source. [Said department shall consult with and advise any water  
18 company as to proposed sources of water supply and methods of  
19 assuring their purity and adequacy.] In reviewing any proposed new  
20 source of water supply the department shall consider the issues  
21 specified in subdivisions (1) and (2) of this subsection. For purposes of  
22 this subsection and subsection (c) of this section, "distribution water  
23 main installations" means installations, extensions, replacements or  
24 repairs of public water supply system mains from which water is or  
25 will be delivered to one or more service connections and which do not  
26 require construction or expansion of pumping stations, storage  
27 facilities, treatment facilities or sources of supply.

28 Sec. 2. Section 19a-206 of the 2008 supplement to the general statutes  
29 is amended by adding subsection (f) as follows (*Effective from passage*):

30 (NEW) (f) If the order of a district department of health, formed  
31 pursuant to section 19a-241, causes the displacement of any occupant  
32 of a residential dwelling unit, the municipality in which such dwelling  
33 unit is located shall be responsible for any relocation assistance  
34 afforded to such occupant pursuant to chapter 135. The district  
35 department of health shall provide written notification to the occupant  
36 of the occupant's rights under chapter 135 at the time an order causing  
37 displacement is issued. The written notification shall include the name,  
38 address and telephone number of the person authorized by the  
39 municipality to process applications for relocation assistance afforded  
40 pursuant to chapter 135.

41 Sec. 3. Subsection (a) of section 19a-17 of the 2008 supplement to the  
42 general statutes is repealed and the following is substituted in lieu  
43 thereof (*Effective October 1, 2008*):

44 (a) Each board or commission established under chapters 369 to 376,  
45 inclusive, 378 to 381, inclusive, and 383 to 388, inclusive, and the  
46 Department of Public Health with respect to professions under its  
47 jurisdiction that have no board or commission may take any of the  
48 following actions, singly or in combination, based on conduct that

49 occurred prior or subsequent to the issuance of a permit or a license  
50 upon finding the existence of good cause:

51 (1) Revoke a practitioner's license or permit;

52 (2) Suspend a practitioner's license or permit;

53 (3) Censure a practitioner or permittee;

54 (4) Issue a letter of reprimand to a practitioner or permittee;

55 (5) Place a practitioner or permittee on probationary status and  
56 require the practitioner or permittee to:

57 (A) Report regularly to such board, commission or department  
58 upon the matters which are the basis of probation;

59 (B) Limit practice to those areas prescribed by such board,  
60 commission or department;

61 (C) Continue or renew professional education until a satisfactory  
62 degree of skill has been attained in those areas which are the basis for  
63 the probation;

64 (6) Assess a civil penalty of up to twenty-five thousand dollars; [or]

65 (7) In those cases involving persons or entities licensed or certified  
66 pursuant to sections 20-341d, 20-435, 20-436, 20-437, 20-438, 20-475 and  
67 20-476, require that restitution be made to an injured property owner;  
68 or

69 [(7)] (8) Summarily take any action specified in this subsection  
70 against a practitioner's license or permit upon receipt of proof that  
71 such practitioner has been:

72 (A) Found guilty or convicted as a result of an act which constitutes  
73 a felony under (i) the laws of this state, (ii) federal law or (iii) the laws  
74 of another jurisdiction and which, if committed within this state,  
75 would have constituted a felony under the laws of this state; or

76 (B) Subject to disciplinary action similar to that specified in this  
77 subsection by a duly authorized professional agency of any state, the  
78 District of Columbia, a United States possession or territory or a  
79 foreign jurisdiction. The applicable board or commission, or the  
80 department shall promptly notify the practitioner or permittee that his  
81 license or permit has been summarily acted upon pursuant to this  
82 subsection and shall institute formal proceedings for revocation within  
83 ninety days after such notification.

84 Sec. 4. Section 19a-37a of the general statutes is repealed and the  
85 following is substituted in lieu thereof (*Effective October 1, 2008*):

86 (a) The Commissioner of Public Health shall adopt regulations in  
87 accordance with the provisions of chapter 54 establishing standards to  
88 prevent contamination of public water supplies which may result from  
89 the installation of automatic fire extinguishing systems, irrigation  
90 systems or other physical connections between the distribution system  
91 of a public water system and any other water system in any building  
92 served by a public water system as defined in subsection (a) of section  
93 25-33d. [Such regulations] Regulations concerning automatic fire  
94 extinguishing systems shall: (1) Delete the requirement for a reduced  
95 pressure principle backflow preventer (RPD) on fire sprinkler systems  
96 with siamese connections unless chemicals are added to such systems;  
97 (2) require owners to install a double check valve assembly (DCVA) on  
98 fire sprinkler systems with siamese connections unless chemicals are  
99 added to such systems; (3) allow owners to install an RPD instead of a  
100 DCVA on fire sprinkler systems with siamese connections; and (4)  
101 provide that any person engaged in the installation of an automatic fire  
102 extinguishing system shall notify the water company servicing the  
103 building of such installation, and shall be subject to all applicable rules  
104 and regulations of such water company.

105 (b) The commissioner shall adopt regulations in accordance with the  
106 provisions of chapter 54 [providing] concerning automatic fire  
107 extinguishing systems that provide for a civil penalty of not more than  
108 two thousand dollars if a required device is not installed on existing

109 systems by July 1, 1999, or if the required device is not installed on  
110 new systems after June 23, 1999.

111 Sec. 5. (NEW) (*Effective October 1, 2008*) (a) Any person engaged in  
112 the installation of an irrigation system or other physical connection  
113 between the distribution system of a public water supply system and  
114 any other water system shall notify the water company servicing the  
115 property or building of such installation and shall be subject to all  
116 applicable rules and regulations of such water company.

117 (b) Upon a determination by a local director of health that an  
118 automatic fire extinguishing system, irrigation system or other  
119 physical connection between the distribution system of a public water  
120 supply system and any other water system creates an unreasonable  
121 risk of injury to the health or safety of persons using the water, to the  
122 general public, or to any public water supply, the local director of  
123 public health may issue an order requiring the immediate  
124 implementation of mitigation measures, that include, but are not  
125 limited to, the disconnection of the system. In the event that a cross  
126 connection with the public water system is found, the owner of such  
127 system may terminate services to the premises.

128 Sec. 6. Section 25-43 of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective October 1, 2008*):

130 (a) Any person who bathes or swims in any reservoir from which  
131 the inhabitants of any town, city or borough are supplied with water,  
132 or in any lake, pond or stream tributary to any distribution reservoir,  
133 or in any part of any lake, pond or stream tributary to any storage  
134 reservoir, which part is distant less than two miles measured along the  
135 flow of water from any part of such storage reservoir, and any person  
136 who causes or allows any pollutant or harmful substance to enter any  
137 such public water supply reservoir, whether distribution or storage, or  
138 any of its tributaries, or commits any nuisance in any public water  
139 supply reservoir or its watershed, shall be fined not [less than one]  
140 more than five hundred dollars or imprisoned not more than thirty  
141 days, or both. For the purposes of this section, "storage reservoir"

142 means an artificial impoundment of substantial amounts of water,  
143 used or designed for the storage of a public water supply and the  
144 release thereof to a distribution reservoir, and "distribution reservoir"  
145 means a reservoir from which water is directly released into pipes or  
146 pipelines leading to treatment or purification facilities or connected  
147 directly with distribution mains of a public water system.

148 (b) No person, after having received notice or after notice has been  
149 posted that any reservoir, lake or pond, or any stream tributary  
150 thereto, is used for supplying the inhabitants of a town, city or  
151 borough with water, shall wash any animal or clothing or other article  
152 or allow any animal to enter therein. No person shall cause or allow  
153 any pollutant or harmful substance to enter such reservoir, lake, pond  
154 or stream, nor shall any person, after receipt of written notice from the  
155 municipality, water company, as defined in section 25-32a, or the local  
156 director of health having jurisdiction, or their agents, that the same is  
157 detrimental to such water supply, permit any such substance to be  
158 placed upon land owned, occupied or controlled by such person, so  
159 that the same may be carried by rains or freshets or otherwise flow into  
160 the water of such reservoir, lake, pond or stream, or allow to be  
161 drained any sewage from such land into such water. Any person who  
162 violates any provision of this subsection shall be fined not [less than  
163 one] more than five hundred dollars or imprisoned not more than  
164 thirty days, or both.

165 (c) No person shall cause or permit an aircraft, as defined in  
166 subdivision (5) of section 15-34 of the 2008 supplement to the general  
167 statutes, to land upon, take off from or be operated, kept, parked,  
168 garaged, stored or otherwise maintained on any distribution or storage  
169 reservoir or on any watercourse tributary to any such reservoir. Any  
170 person who violates a provision of this subsection shall be fined not  
171 more than five hundred dollars or imprisoned not more than thirty  
172 days, or both. Any water company, as defined in section 25-32a,  
173 aggrieved by a violation of this section may institute a civil action in  
174 the superior court for the judicial district where such reservoir or  
175 watercourse tributary is located, either entirely or in part, to recover all

176 damages, expenses and costs incurred by the water company in  
177 responding to the violation and the remediation and abatement of any  
178 contamination resulting from the violation.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	25-33(b)
Sec. 2	<i>from passage</i>	19a-206
Sec. 3	<i>October 1, 2008</i>	19a-17(a)
Sec. 4	<i>October 1, 2008</i>	19a-37a
Sec. 5	<i>October 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	25-43

**PH**            *Joint Favorable Subst. C/R*

JUD

**JUD**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

---

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Judicial Dept. (Probation); Correction, Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Various Municipalities	STATE MANDATE - Cost	See Below	See Below
Various Municipalities	Savings	Potential Indeterminate	Potential Indeterminate

### ***Explanation***

This bill makes various changes having fiscal impacts as follows:

Section 1 modifies standards that must be met by public water systems when new drinking water sources are proposed. These changes are not anticipated to result in a fiscal impact.

Section 2 states that relocation assistance is the financial responsibility of the municipality in which the home of an occupant displaced due to an order of a health district is located. This will preclude future claims against health districts (governed by multiple towns).

Section 3 authorizes the Department of Public Health (DPH) to order direct restitution to an injured property owner harmed by actions of a licensed asbestos, lead, or on-site subsurface sewage disposal professional. No fiscal impact is associated with this change.



Section 4 requires the DPH to adopt regulations concerning standards for irrigation systems and connections between public water distribution systems and other water systems. The department will be able to do so within its normally budgeted resources.

Section 5 authorizes local health directors to order mitigation measures in cases of inappropriate cross connection between a potable water system and a nonpotable water system (e.g., an irrigation system). It also requires notification to be made to water companies of such connections. To the extent that this reduces the likelihood of contamination of public water supplies, this may preclude future remediation costs to municipal water companies.

Section 6 increases certain criminal fines related to prohibitions involving public water supplies. Any revenue gain under these provisions is anticipated to be less than \$10,000.

This section also establishes a new crime, punishable by imprisonment for up to 30 days and/or a fine of up to \$500, for causing or allowing an aircraft to land on, take off from, or be operated, kept parked or stored on any distribution or storage reservoir or on any watercourse tributary to the reservoir. Any revenue gain or cost for incarceration/probation supervision under these penalties is anticipated to be minimal.

### ***The Out Years***

The annualized ongoing costs and savings identified above would continue into the future subject to inflation; the annualized ongoing revenue gain would remain relatively stable since fine amounts are set by statute.

---

**OLR Bill Analysis****sHB 5730*****AN ACT CONCERNING ENVIRONMENTAL HEALTH.*****SUMMARY:**

This bill:

1. modifies the Department of Public Health's (DPH) review and approval process concerning proposals for new water supplies;
2. specifies which municipality is responsible for relocation payment assistance to persons who have been displaced due to enforcement actions by district departments of health;
3. expands the potential disciplinary actions DPH can take against department-licensed or-certified persons or entities who engage actions harmful to property owners;
4. requires installers of irrigation systems or other physical connections between public water supply distribution systems and other water systems to notify the water company of the installation, authorizes local health directors to order mitigation measures if such physical connections create an unreasonable risk of injury to health and safety, and requires DPH to adopt regulations on irrigation systems and other physical connections; and
5. establishes a penalty for prohibited aircraft-related activities on reservoirs and amends the penalties for other violations concerning improper activities on public water supplies.

EFFECTIVE DATE: October 1, 2008, except for the relocation assistance provision, which is effective upon passage.

**DPH REVIEW AND APPROVAL OF PROPOSED NEW SOURCES OF WATER**

Existing law prohibits the construction or expansion of a water supply system owned or used by a water company or the use of a new additional water supply source until plans for them have been submitted to and approved by DPH. No prior review or approval is required for distribution water main installations if they are constructed according to sound engineering standards and all applicable laws and regulations. In reviewing any proposed new water supply source, DPH must consider the proposed water supply's anticipated effect on nearby water supply systems including public and private wells. The law also requires DPH to consult with and advise the water company concerning proposed water supply services and methods to assure their purity and adequacy.

The bill instead requires the submitted plan to address the proposal's anticipated effect on nearby systems and wells, as well as the proposed controls and land use measures that will assure the purity and adequacy of the new source. The bill directs DPH, when reviewing the proposed new water supply source, to consider these two issues.

**RELOCATION ASSISTANCE**

Under the bill, if an order of a district department of health causes an occupant's displacement from a dwelling unit, the municipality in which the dwelling is located is responsible for any relocation assistance to the occupant available under the law. (Generally, such an order would occur when a hazard, nuisance, or source of filth injurious to the public health has been identified.)

By law, towns, cities and boroughs may unite to form district departments of health by vote of their respective legislative bodies, or join an existing district health department with the approval of the district's board. District health departments are instrumentalities of their constituent municipalities.

The bill requires the district health department to give written

notification to the occupant of his or her rights under the law at the time the order causing displacement is issued. The notice must include the name, address, and telephone number of the person authorized by the municipality to process applications for relocation assistance provided under the Uniform Relocation Assistance Act (URAA; CGS § 8-268).

The URAA establishes uniform policies for people who are displaced from their dwellings or businesses by state or local government activities and actions.

### **IRRIGATION SYSTEMS AND OTHER CONNECTIONS BETWEEN PUBLIC WATER SUPPLY SYSTEMS AND OTHER WATER SYSTEMS**

The bill requires any person installing an irrigation system or other physical connection between the distribution system of a public water supply system and any other water system to notify the water company that services the building of the installation. The installer is subject to all rules and regulations of that water company.

The bill authorizes a local director of health to issue an order requiring the immediate implementation of mitigation measures when he or she determines that an automatic fire extinguishing system, irrigation system, or other physical connection between the public water supply distribution system and any other water system causes an unreasonable injury risk to the health or safety of those using the water, to the general public, or to any public water supply. The mitigation measures can include disconnection of the system. If a cross connection with the public water system is found, the owner of the system may terminate services to the premises under the bill.

The bill requires the DPH commissioner to adopt regulations establishing standards to prevent contamination of public water supplies which may result from the installation of irrigation systems or other physical connections between a public water supply distribution system and any other water system in any building served by the public water system. DPH must already adopt regulations establishing

such standards for the installation of automatic fire extinguishing systems.

### **DPH AUTHORITY TO ORDER CERTAIN PERSONS OR ENTITIES TO MAKE RESTITUTION TO PROPERTY OWNERS**

The bill gives DPH the authority to order certain DPH-licensed individuals and entities to make restitution to an injured property owner based on a finding of good cause. This applies to subsurface sewage disposal installers or cleaners, asbestos contractors, asbestos consultants, asbestos abatement workers, asbestos abatement site supervisors, lead abatement contractors, lead consultants, lead abatement supervisors, and lead abatement workers.

### **PENALTIES FOR PROHIBITED ACTIVITIES INVOLVING PUBLIC WATER SUPPLIES**

The bill changes from a minimum of \$100 to a maximum \$500 the fine that can be imposed on a person who (1) bathes or swims in any public water supplies, (2) washes or allows animals in water supplies, or (3) causes or allows pollution to enter a public water supply reservoir. The current possible penalty of 30 days imprisonment remains unchanged.

Current law prohibits anyone from causing or allowing an aircraft to land on, take off from, or be operated, kept parked, or stored on any distribution or storage reservoir or on any watercourse tributary to the reservoir. This bill establishes a penalty of a maximum fine of \$500, imprisonment of up to 30 days, or both. Any water company harmed by such an aircraft violation can bring a civil action in Superior Court for the judicial district where the reservoir or watercourse tributary is located, entirely or in part.

### **COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute Change of Reference

Yea 22 Nay 4 (03/10/2008)

Judiciary Committee

Joint Favorable Substitute

Yea     43     Nay   0     (03/24/2008)